

REMARKS

Claims 1-12 and 14-24 are pending in the application. Claims 25-28 have been added, leaving claims 1-12 and 14-28 for consideration upon entry of the present Amendment. Applicant respectfully requests reconsideration in view of the remarks submitted herewith.

Claims 1-12, 14-17, 20, 21, 23, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Donhauser (US 4,371,995). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1-12, 14-17, 20, 21, 23, and 24 include the following limitation: "wherein the drainage passage extends through the water reservoir and isolates therefrom liquid draining from the planter, in use." Donhauser does not disclose, either expressly or inherently, that limitation. Donhauser describes that liquid merely flows from valve 62 back into the water reservoir in the tub 12. See column 3, lines 39-41. Accordingly liquid draining from the pan 52 is not isolated from the water reservoir as required by the claims. Moreover, Donhauser does not disclose a drainage passage that extends through the water reservoir. The Examiner states that the equivalent of the drainage passage in Donhauser is represented by reference numbers 72, 70, and 68 and the equivalent to the water reservoir is represented by reference number 12. As can be seen in Figure 2, the sump 68, the means for screening 70, and the screen 72 do not extend through the tub 12; rather, the sump, the means for screening, and the screen only extend into the tub.

Thus, Donhauser does not anticipate claims 1-12, 14-17, 20, 21, 23, and 24. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claims 18, 19, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Donhauser. Claims 18, 19, and 22 include all of the limitations of claim 1. Accordingly, for the reasons discussed above, Applicant respectfully request that the rejection as to claims 18, 19, and 22 be withdrawn.

Claims 25-28 have been added. These claims are allowable because claims 25-26 include

all of the limitations of claim 1 and claims 27-28 include all of the limitations of claim 24. Thus, for the reasons discussed above, claims 25-28 are allowable.

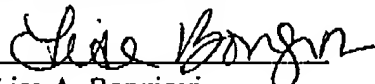
In addition, claims 25-28 add limitations that are not taught or suggested in the cited references. Donhauser does not teach or suggest "wherein the drainage passage is permanently open." Because Donhauser teaches a valve, Donhauser cannot be both permanently open and isolating at the same time. In addition, Donhauser does not teach or suggest "wherein the drainage passage has an opening and an exit in the water reservoir." Donhauser only shows a passage with an opening. The drainage passage in Donhauser, which is represented by reference numbers 72, 70, and 68, does not exit the water reservoir. At most, Donhauser illustrates a handle that extends from draining means 60 to the side of tub 12. As such, the drainage passageway does not exit the water reservoir. Accordingly, for at least the foregoing reasons, Applicant respectfully requests that claims 25-28 be allowed.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Lisa A. Bongiovi
Registration No. 48,933
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413

June 18, 2003